(33)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Writ Petition No.6220/2005

PETITIONER Mohanlal
S/o.Late Jeejowa
Village – Khurseepar Kala
Dist. – Rajnadgaon (C.G.)

VERSUS

RESPONDENTS
1. State of Chhattisgarh
Represented by the Home Secretary,
Raipur.
2. Superintendent of Police
Rajnandgaon.

Present: Mr. Prateek Sharma, learned amicus curiae for the petitioner.
Mr. V.V.S. Murthy, learned Dy. A.G. for the State.

ORAL ORDER
(Passed on 18th January 2006)

The following oral order of the Court was passed by

S.R. Nayak, CJ. :

In the letter of the petitioner addressed to the Chief Justice of this Court, which has been treated as writ petition, it is alleged thus:

> " It is submitted that, I Mohan S/o Late Jijoba Kalar, age 55 years, is resident of village Khursipar Kala, P.S. Bortalav, District Rajnandgaon. My only daughter Prabha Bai, who was fit for marriage and could not be married due to poverty, was working as a household servant in the house of Yashwant Rao Mankar, his son Umashankar conspiringly allured for marriage, garlanded my daughter and them

physically exploited her. Whenever my daughter tried to complain, he threatened to remove from work and to kill the whole family and alongwith his brother Vidyalal S/o Yashwant Rao, Naresh S/o Yashwant Rao and Doctor Bengali forcibly caused her abortion and left in the house of one of her relative at Bhilai. In this regard, on 24/9/2005, I, my daughter alongwith Kotwar, and my relative Damoo, went to the police station Bortalav, then S.H.O. abused my daughter in front of me only and forced her to leave. He received application but did not acknowledge S.H.O. has colluded with accused persons who are rich and capitalist. Thereafter, when it was complained to S.P., the report was written but he is not arresting the accused. Accused persons are roaming in broad day light and coming to my home, threatening of life on not withdrawing the report, and on lodgement of its report, S.H.O. is not recording the same. Thus, it is required to the Hon'ble Justice that by such acts, sister/daughter of poor would be physically exploited and forced to die by any rich.

Therefore, admitting the request of mine, a poor person, as public litigation, and treating the poor man's daughter as the daughter of justice, directions be issued to arrest the accused persons immediately and it be kindly be admitted as a petition. "

(2) In response to the notice, Shri V.V.S. Murthy, learned Dy. Advocate General has filed affidavit sworn to by Shri Balaji Rao, Addl. Superintendent of Police, Rajnandgaon. In the affidavit of Shri Balaji Rao, in paras 3 and 6 it is stated thus :

" **3.** That, the offence was registered on 7.11.2005 vide crime No.25/2005 at Police Station Bortalav for the offence punishable U/s 376, 493, 313, 506, 342 and 120-B IPC. A copy of FIR is being filed herewith as **Annexure-R-1.** Immediately after recording of the offence on 7.11.2005, the

prosecutrix namely Ku. Prabha was sent for medical examination on 8.11.2005 to Community Health Centre, Dongargarh and that the report of Dr. Seema Jain, Medical Officer of the said Community Health Centre has submitted her report on 10.11.2005. The copy of the medical report is being filed herewith as **Annexure-R-2.** Seizure of some clothes etc were also made from the prosecutrix. "

6. That, when the enquiry was going on I made efforts and directed the newly posted Station House Officer of Police Station – Bortalav Mr. Sisodia, Sub-Inspector for taking expeditious action in the matter. Immediately thereafter main accused Umashankar, S/o Yashwant Rao Kalar has been arrested on 23.12.2005 at 2.00 p.m. Copy of the arrest memo is being filed herewith as **Annexure R-6.** That, search for the other accused is also going on at the best possible level and all efforts are being made to arrest them. "

(3) In view what is stated in paras 3 and 6 of the affidavit, it appears that the allegations made by the petitioner in the letter are not correct. Since, the crime is registered and further actions are being taken by the local police, there is no need for us to take any further steps in this writ petition. Accordingly, it is dismissed. No costs.

Sd/- **Chief Justice**	**Sd/-** **Dilip Raosaheb Deshmukh** **Judge**

Subbu